

**REORGANIZATION MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, JANUARY 12, 2010
9:00 A.M.**

County Clerk Janice Giffin announced that it was 9:00 A.M. on Tuesday, January 12, 2009 and called the Reorganization Meeting of the Buffalo County Board of Supervisors to order. Following the Pledge of Allegiance, the County Board members responded to roll call as follows; Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen and Richard Pierce. Absent: Sherry Morrow. County Clerk Giffin announced that a quorum was present to conduct County business and that posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

County Clerk Janice Giffin called for the election of a Chairman.

McMullen nominated Richard Pierce for Chairman of the Buffalo County Board of Supervisors, which was seconded by Loewenstein. County Clerk Giffin called for nominations three times. There were no further nominations. Moved by Loewenstein and seconded by Dannehl that nominations cease and that Richard Pierce be declared the Chairman by acclamation. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein and McMullen. Abstain: Pierce. Absent: Morrow. Motion declared carried.

County Clerk Janice Giffin turned the meeting over to Chairman Richard Pierce.

Chairman Pierce called for the election of a Vice Chairman. Moved by McMullen and seconded by Greder to nominate Horace Dannehl as Vice Chairman of the Buffalo County Board of Supervisors. There were no further nominations. Moved by McMullen and seconded by Loewenstein that nominations cease and that Horace Dannehl be elected the Vice Chairman by acclamation. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Greder, Klein and Pierce. Abstain: Dannehl. Absent: Morrow. Motion declared carried.

Chairman Pierce called for Citizen's forum and no one was present to address the Board. Chairman Pierce stated that all committee appointment and reorganization of depositories and legal newspapers will be at the next meeting January 26, 2010.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve December 22, 2009 Board minutes
2. Accept Reports
 - Buffalo County Detention Center December 2009 Report
 - Veteran's Service October, November and December 2009 Reports
3. Miscellaneous County Business
 - Approve early claims

County Clerk Giffin submitted the following early claims for approval.

GENERAL FUND			
TCPM ENTERPRISES	EQ	EQUIPMENT	3,375.00
ROAD FUND			
STATE OF NEBRASKA	E	FUEL TAX	2,356.00

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and discussion with the Board. Moved by Dannehl and seconded by Loewenstein to approve Change Request 80 of the Phase 1B Justice Center Project in the amount of \$4,584.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. City of Kearney is requesting the second half payment of budget allocation for the Senior Center. U.S. Bank newsletter was received. Goldberg Sullivan McCreery sent a list of new employees who will be working with Buffalo County to complete current projects. Correspondence was received from the State Auditor notifying the Board that final budget documentations have not been filed by Shelton Township, Valley Township, Schneider Township

and the City of Gibbon. Midwest Assistance Program sent their Source newsletter. Chairman Pierce then called on each Board member present for committee reports and recommendations. Under the Budget committee report, Supervisor McMullen reported that as promised the Budget committee reviewed the current financial situation and is recommending that all employees receive a 2% pay increase effective now through June 30, 2010. In previous discussions with the other elected officials it has been suggested that future staff raises be reviewed in September rather than July so that the budget is approved before raises are extended.

Moved by McMullen and seconded by Loewenstein to approve a 2% raise for all County employees. (Officials are excluded in this motion.) Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Klein and Pierce. Voting "Nay": Dannehl and Greder. Absent: Morrow. Motion declared carried.

Moved by McMullen and seconded by Klein to transfer \$556.48 from the General Fund (100) to the Road Fund (200) to correct employee benefits paid from the incorrect fund. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Discussion followed on signage for Buffalo County owned parking lots. The Buffalo County parking lots are being used by businesses for their purposes and not the intended purpose of citizen parking and Buffalo County employee parking. Sheriff Neil Miller and County Attorney Shawn Eatherton will review this and come back with a recommendation to the Board.

Moved by Greder and seconded by McMullen to hire Charlesworth Benefits, L.C. as consultants to review the current Health Insurance Plan for Buffalo County employees. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl and Klein. Abstain: Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

The Northwestern Energy Natural Gas Agreements were discussed and no action was taken.

County Sheriff Neil Miller was present to review the Village of Shelton law enforcement contract. The number of hours of service to the Village of Shelton by Buffalo County will be reduced in this contract. Moved by Dannehl and seconded by Loewenstein to authorize the Chairman to sign the Law Enforcement Contract with the Village of Shelton. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Draft copies of the Resolution as recommended by the Budget and Finance Committee to set the Elected Officials Salaries for the years 2011 through 2014 were given to the Board members. Chairman Pierce read the Resolution into the record. Supervisor McMullen indicated that the draft resolution has an average increase of approximately 2.5 % per annum. Board Administrator asked about the health insurance paragraph in the draft since the Board is looking at possibly changing health insurance plans.

Supervisor McMullen moved to approve the draft resolution as presented with the exception of the last paragraph. The last paragraph will be changed to "each official shall receive and be a member of the same benefit package as offered to all County employees." Supervisor Greder seconded the motion for the purpose of discussion. Supervisor Loewenstein would like the Board's salary paragraph to be removed from the draft resolution. A friendly amendment was accepted by McMullen to remove the Supervisor's paragraph and also to add the Clerk of District Court to the annual salary list. The completed resolution is noted below with all corrections. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-01

WHEREAS, according to Section 23-1114, Revised Statutes of Nebraska, the salaries of Elected Officials of the County shall be fixed by the County Board, at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, and

WHEREAS, said 2010 Primary Election will be held on May 11, 2010.

The annual salary for the offices of County Clerk, Register of Deeds, County Treasurer, County Assessor, and Clerk of District Court will be established at \$55,166.00 for the calendar year of 2011, \$56,821.00 for calendar year 2012, \$58,242.00 for calendar year 2013 and \$59,407.00 for calendar year 2014.

The annual salary for the office of County Sheriff will be established at \$67,420.00 for the calendar year of 2011, \$69,443.00 for calendar year 2012, \$71,180.00 for calendar year 2013 and \$72,604.00 for calendar year 2014.

The annual salary for the office of County Attorney will be established at \$84,850.00 for the calendar year of 2011, \$87,396.00 for calendar year 2012, \$89,581.00 for calendar year 2013, and \$91,373.00 for calendar year 2014.

The annual salary for the office of County Surveyor will be established at \$23,412.00 for calendar year 2011, \$24,115.00 for calendar year 2012, \$24,718.00 for calendar year 2013, and \$25,213.00 for calendar year 2014.

The annual salary for the office of Public Defender will be established at \$41,193.00 for calendar year 2011, \$42,429.00 for calendar year 2012, \$43,490.00 for calendar year 2013, and \$44,360.00 for calendar year 2014.

That in addition to the above salary, each official shall receive and be a member of the same benefit package as offered to all County employees.

After reviewing the salaries for the Board of Supervisors it was moved by Greder and seconded by McMullen to approve the following Resolution 2010-02. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Klein and Pierce. Voting: "Nay": Dannehl and Loewenstein. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-02

WHEREAS, according to Section 23-1114, Revised Statutes of Nebraska, the salaries of Elected Officials of the County shall be fixed by the County Board, at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, and

WHEREAS, said 2010 Primary Election will be held on May 11, 2010.

The annual salary for the office of the County Board of Supervisors will be established at \$18,000.00 for calendar year 2011, \$18,540.00 for calendar year 2012, \$19,004.00 for calendar year 2013, and \$19,385.00 for calendar year 2014. Chairman of the Board will receive \$200.00 per month additional pay.

That in addition to the above salary, each official shall receive and be a member of the same benefit package as offered to all County employees.

Moved by Greder and seconded by Loewenstein to recess the regular meeting of the Board of Supervisors at 10:40 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and Deputy County Treasurer Brenda Rohrich were present. Moved by Loewenstein and seconded by Greder to approve tax list corrections 3641A and 3642 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for First United Methodist Church on a 2001 Chevrolet Expressvan. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Dominican Sister of Peace Inc. on a 1998 Ford 4 Door. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for South Central Behavioral Services on a 2007 Toyota Sedan. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein and McMullen. Abstain: Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to return to the regular meeting at 10:45 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Moved by McMullen and seconded by Dannehl to move into Executive Session at 10:47 A.M. to discuss personnel issues. In addition to Board members responding to roll call, County Attorney Eatherton and County Clerk Giffin were present. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to return to the open meeting at 11:06 A.M. Chairman Pierce disclosed that only personnel issues were addressed and that no action is necessary at this time. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein and Pierce. Absent: Morrow. Motion declared carried.

ZONING

At 11:15 A.M. Chairman Pierce opened the public hearing for a Zoning Map Amendment for a tract of land being part of government Lot 2 and 3 and accretion in Section 1, Township 8 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska from Agricultural to Agricultural-Residential for one additional home. Deputy County Attorney Melodie Bellamy and Zoning

Administrator LeAnn Klein were present. Deputy County Attorney Bellamy reviewed the application and Zoning Administrator Klein reported the Zoning Committee recommendations. R. Darren and Kelly Cudaback submitted the request and Larry Ferguson attended the hearing to represent the applicants. Chairman Pierce closed the hearing at 11:19 A.M.

Moved by Dannehl and seconded by Greder to approve the following Resolution 2010-03 to amend the Zoning Map as indicated in the Resolution. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-03

WHEREAS, R. Darren and Kelly J. Cudaback, applied for Change of Zoning from AG to AGR for real estate hereinafter described with such application being filed with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, this is solely a rezoning request and the subject property would have other land use regulations including, but not limited to: flood plain regulations, that would apply to it above and beyond the zoning map amendment sought at this meeting, and ,

WHEREAS, on December 17, 2009, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote with the condition that there be only one additional home allowed for property, and

WHEREAS, on January 12, 2010, this Board conducted a public hearing considering this rezoning request and finds that such change in zoning designation would have minimal adverse affect on surrounding properties, is consistent with property use in the immediately surrounding area, and is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska,

WHEREAS, no protest(s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, , and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Supervisors,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment to change the subject property from the AG District to the AGR District is approved and shall occur, subject to the condition that there be only one additional home allowed for property, with subject property described as:

A a tract of land being part of Government Lot 2, part of government Lot 3, and a portion of accretions abutting said Government Lots 2 and 3 in Section One (1), Township Eight (8) North, Range Fourteen (14) West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of said Government Lot 2 and assuming the North line of said Government Lot as bearing N 89° 55' W and all bearings contained herein are relative thereto; thence N 89° 55' W on the North line of said Government Lot 2 (if extended Westerly) a distance of 1011.84 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 55' W on said North line (if extended Westerly) a distance of 636.0 feet; thence S 00° 07' 18" W a distance of 443.26 feet; thence N 88° 33' E a distance of 511.16 feet; thence N 61° 20' E a distance of 50.5 feet; thence S 89° 16' E a distance of 20.0 feet; thence N 61° 19' E a distance of 23.7 feet; thence N 37° 08' E a distance of 21.5 feet; thence N 25° 37'E a distance of 40.0 feet; thence N 01° 46' 38" E a distance of 341.0 feet to the place of beginning. Containing 6.215 acres, more or less, of which 0.481 acres are presently being used for road purposes on the North side: TOGETHER WITH all accretion rights thereto.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed's office against the subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Chairman Pierce asked if there was anything else to come before the Board at 11:27 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, January 26, 2010 at 9:00 A.M.